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Attorneys for Defendant  
TEXAS EASTERN OVERSEAS, INC.

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

AMERIPRIDE SERVICES INC., a  
Delaware corporation,

Plaintiff,

vs.

VALLEY INDUSTRIAL SERVICES, INC.,  
a former California Corporation, et al.

Defendants.

Case No. 2:00-cv-00113-MCE-DB

**STIPULATION AND ORDER RE  
SUBMISSION OF EVIDENCE OF  
AMERIPRIDE'S ADDITIONAL  
RESPONSE COSTS**

Trial Date: October 17, 2016  
Complaint Filed: January 20, 2000

AND CONSOLIDATED ACTION AND  
CROSS AND COUNTER-CLAIMS.

1 Defendant TEXAS EASTERN OVERSEAS, INC. ("TEO") and Plaintiff  
2 AMERIPRIDE SERVICES INC. ("AmeriPride"), by and through their respective counsel,  
3 stipulate as follows:

4 **STIPULATION**

5 1. On October 19, 2016, the Court concluded a three-day bench trial in this  
6 matter.

7 2. On October 19, 2016, the Court also entered a Stipulation and Order re  
8 AmeriPride's Additional Response Costs ("October 19, 2016 Order"), ECF No. 1105, to  
9 allow AmeriPride to present TEO with proof of additional investigation, remediation and  
10 regulatory oversight costs which AmeriPride incurred after the latest time when AmeriPride  
11 was able to receive an invoice for such costs and obtain proof that the invoice had been  
12 paid in time for entry of such proof as evidence at the trial.

13 3. The October 19, 2016 Order provides that any additional response costs for  
14 which TEO accepts AmeriPride's proof shall be included in the Court's calculation of the  
15 response costs directly incurred by AmeriPride and recoverable under Section  
16 107(a)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability  
17 Act ("CERCLA"), 42 U.S.C. § 9607(a)(4)(B). ECF No. 1105 at 3-4, ¶¶ 1-2.

18 4. TEO accepts AmeriPride's proof that it has directly incurred \$131,175.44 in  
19 additional investigation, remediation and regulatory oversight costs through January 2017.  
20 These costs are identified on Exhibit 1 to this stipulation.

21 5. For the purposes of this action only, the costs described in Paragraph 4 are  
22 recoverable under CERCLA Section 107(a)(4)(B), 42 U.S.C. § 9607(a)(4)(B).

23 6. There are investigation, cleanup and oversight costs for which AmeriPride  
24 seeks recovery that are not included in this stipulation. AmeriPride reserves all of its rights  
25 in connection with such costs. TEO reserves all of its rights to object to such costs.

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1 Date: March 2, 2017

BASSI, EDLIN, HUIE & BLUM LLP

2  
3 By: /s/ Fred M. Blum  
4 FRED M. BLUM  
5 ERIN K. POPPLER  
6 VIVY D. DANG  
7 Attorneys for Defendant  
8 TEXAS EASTERN OVERSEAS, INC.

9 Date: March 2, 2017

HUNSUCKER GOODSTEIN PC

10 By: /s/ Brian L. Zagon  
11 PHILIP C. HUNSUCKER  
12 BRIAN L. ZAGON  
13 MARC A. SHAPP  
14 Attorneys for Plaintiff  
15 AMERIPRIDE SERVICES INC.

16 Date: March 2, 2017

PERKINS MANN & EVERETT, APC

17 By: /s/ Lee N. Smith  
18 LEE N. SMITH  
19 Attorneys for Plaintiffs  
20 AMERIPRIDE SERVICES INC.  
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**ORDER**

Pursuant to the parties' stipulation above, the Court recognizes that TEO accepts AmeriPride's proof that it has directly incurred \$131,175.44 in additional investigation, remediation and regulatory oversight costs through January 2017. Pursuant to this Court's October 19, 2016 Order, such costs shall be included in the Court's calculation of the response costs directly incurred by AmeriPride and recoverable under Section 107(a)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9607(a)(4)(B). ECF No. 1105.

IT IS SO ORDERED.

Dated: March 10, 2017



MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE